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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kristin Carman
Serial No. : 09/750,028
Filed : December 29, 2000
Title : COMPACT DISK CASE

Art Unit : 3622
Examiner : Yehdega Retta
Confirmation No.: 6435

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

I, Lisa Riofrio (formerly known as Lisa Whitmore), having firsthand knowledge of the facts below, declare that the following statement of facts are true to the best of my knowledge and belief:

- 1) I am a named inventor of the Application No. 09/750,028 filed on December 29, 2000;
- 2) At the present time, I am employed by America Online, Inc. (AOL) as Vice President, Manufacturing & Distribution, AOL Access;
- 3) I am personally not aware of any public use, sale or disclosure activities of the claimed subject matter by AOL prior to one year of the filing date of the present application. In particular, I am not personally aware of AOL mailing, prior to one year of the filing date of the present application, a compact disk case comprising: a first side; and a second side connected to the first side so as to permit the first side to move relative to the second side between a closed position and an open position; wherein the first side is structured and arranged to define a viewing window, and wherein:

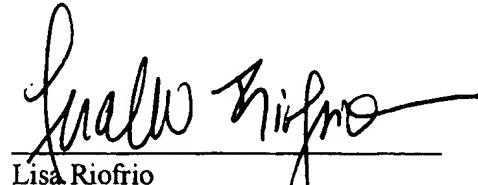
the viewing window constitutes less than all of the first side to provide a first viewing characteristic that differs from a second viewing characteristic that is provided through another portion of the first side,

the viewing window exposes a portion that is less than all of a surface of a disk inserted into the compact disk case, and

the portion that is less than all of the surface of the disk inserted into the compact disk case is viewable through the viewing window.

4) Recently, research internal to AOL was conducted to investigate whether AOL mailed, prior to one year of the filing date of the present application, a compact disk case having the claimed subject matter. I reviewed the results of this research and found no evidence of such a mailing prior one year of the filing date of the present application, confirming my understanding.

6/1/05
Date



Lisa Riofrio
America Online, Inc.
Vice President,
Manufacturing & Distribution, AOL Access